

GASOLINE SERVICE STATION ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN PLANNING DEPARTMENT

1966

Officially Adopted
June 7, 1966

GASOLINE SERVICE STATION ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;

NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957 and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as part thereof, paragraph (3) of section 4.001 of Chapter VII of the Marion County Master Plan Permanent Zoning Ordinance; sub-section (b) (1) of Section 11-112 of Chapter 1 of Title 11 of the Municipal Code of the City of Indianapolis, and all other chapters,

sections, subsections or paragraphs of said Marion County Master Plan Permanent Zoning Ordinance, Title 11 of the Municipal Code of the City of Indianapolis, or other ordinances, adopted as parts of or amendments to said Ordinance No. 8-1957, which permit, as permitted uses or by special exception, in zoning district classifications thereof gasoline service stations, in any city, town, or unincorporated area within Marion County, Indiana, be amended by the addition of the following provisions:

SECTION 1. GASOLINE SERVICE STATION REGULATIONS

The following regulations shall be applicable to all GASOLINE SERVICE STATION uses in Marion County, Indiana.

A. PERMITTED USE RESTRICTIONS

All GASOLINE SERVICE STATION uses established or placed into operation after the effective date of this ordinance shall be limited by and comply with the following use restrictions. No GASOLINE SERVICE STATION use in existence on the effective date of this ordinance shall be so altered or modified as to conflict or further conflict with these restrictions.

Permitted functions, services, and sales conducted on GASOLINE SERVICE STATION property shall not include the following:

1. The sale, rental, display, or storage of new or used motor vehicles, or trailers, tractors, machinery and other similar equipment.
2. Commercial parking of motor vehicles.
3. Vending machines on the exterior of any building on the premises except where provided for in a shelter, stall, or other area convenient to the public but so located as not to interfere materially with the use of adjacent properties.
4. Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping.
5. Dismantling or wrecking of motor or other vehicles.

B. DEVELOPMENT STANDARDS AND PERFORMANCE STANDARDS

All GASOLINE SERVICE STATION uses established or placed into operation after the effective date of this ordinance shall comply with the following development and performance standards. No GASOLINE SERVICE STATION use in existence on the effective date of this ordinance shall be so altered or modified as to conflict or further conflict with these standards..

1. Rear Driveway: No driveway shall be so located and constructed that it permits traffic movement completely around or behind the service station structure (except where required to provide adequate off-street parking, or access to the building, storage tanks, trash containers, or to adjacent commercial property).
2. Landscaped Buffer Strip: A buffer strip at least ten (10) feet in width shall be provided and maintained along all side and rear property lines where residential properties or residentially zoned and undeveloped properties abut; and such buffer strip shall be landscaped and maintained in grass and a solid screening of hedge, shrubbery or trees; or, in the alternative to such buffer strip, a wall or fence five (5) feet in height of a finished building material shall be provided along all such side and rear property lines.
3. Parking: Employee parking, station service vehicle-parking, and customer parking areas incidental to servicing and repair shall be provided. No such parking shall be permitted on driveway approaches, landscaped areas, adjacent alleys or streets, on any public right-of-way, or in such a way as to restrict motorists' visibility.
4. Exterior Display: There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles on the service station driveway or public rights-of-way. All displays must be maintained and kept in an orderly manner.
5. Exterior Trash Containers: There shall be no exterior trash containers larger than six (6) cubic feet, except in a solid-walled stall behind or beside the primary structure.
6. Amplified Advertising: No amplification of radio music, or other audio-advertising shall be permitted on the premises.
7. Signs:
 - a. No sign shall be so located that it interferes with a clear view of streets by motorists traveling along said streets, or entering or exiting from the service station.
 - b. (1) No portable or temporary signs shall be located within any landscaped area or closer to a front property line than the building line other than one (1) such sign for each 50 feet of street frontage, but in no event shall there be more than five signs on any one street frontage. Said signs shall not exceed sixteen (16) square feet each upon which the station's services, prices, merchandise, etc., may be advertised; provided, however, where such sign(s) shall be a banner placed upon any service station island, said sign(s) may be a maximum of twenty-five (25) square feet in size.

(2) A sign used in conjunction with and incidental to an exterior display shall not exceed three (3) square feet in size. Said sign shall not be included in the limitation of number of signs in sub-section B, 7, b, (1).
 - c. No sign shall be located within a public right-of-way.

- d. No pennants or other similar attracting or advertising devices shall be permitted except
- (1) during a seven (7) consecutive day period related to a "grand opening",
 - (2) for a period beginning two (2) weeks prior to and ending three (3) days following May 30 of each year, in relation to the "500" Festival.
 - (3) for use twice during a twelve month period, beginning January 1, in conjunction with a promotional sales or service program, each period not to exceed three weeks in duration, and to be separated from any other display period by not less than four weeks. Use of pennants and other similar devices for each sales or service promotional program shall require a permit from the zoning administrator of the Metropolitan Planning Department.

SECTION II. SEVERABILITY

If any section, subsection, paragraph, sub-paragraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, sub-paragraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance, and that the same shall be in full force and effect from and after this date.

Edwin J. Koch

H. Norris Cottingham

James A. Buck

Wm. A. Brown

Harry E. Foxworthy

Ronald E. Bingman

THE MARION COUNTY COUNCIL
OF
MARION COUNTY, INDIANA

DATED: 6-7-66

ATTEST: John T. Sutton
AUDITOR OF MARION COUNTY,
INDIANA